

August 5, 2014

The Grant County Commission met at 8AM with Commissioners Dummann, Forrette, Mann, Stengel and Tucholke present. Chairman Dummann called the meeting to order. Motion by Mann and seconded by Stengel to approve the minutes of the July 15, 2014 meeting. Motion carried 5-0. Minutes filed. Motion by Tucholke and seconded by Forrette to approve the agenda. Motion carried 5-0.

**Drainage:** Chairman Dummann adjourned the Board of Commissioners and convened the commission acting as the Drainage Board.

Present were Jason Liebe, Bruce Granquist, Nathan Granquist, Kerwin Schultz, John Loehrer, Dan Loehrer, Chuck Wollschlager, Gary Granquist and Earl Lundeen.

Permit DR 2014-18 for John Loehrer in the SE1/4 in 15-119-48 (Vernon Township). The outlet is into a creek on the landowner's property. The Drainage Officer reported the required signature from adjoining landowner has been obtained. The outlet goes into natural run on the applicant's land. Motion by Tucholke and seconded by Stengel to approve DR 2014-18. Motion carried 5-0.

Permit DR 2014-19 for Roger Heller, on behalf of Baillie Trust in the SW1/4 in 15-119-48 (Vernon Township). This is a cooperative project with adjacent landowner John Loehrer. The tile outlet is located on the Loehrer land and will outlet into a natural run. All signatures have been obtained. Motion by Tucholke and seconded by Stengel to approve DR 2014-19. Motion carried 5-0.

Permit DR 2014-20 for Baillie Trust by Roger Heller in the NE1/4 and the NW1/4 of 27-119-48 (Vernon Township). The Drainage Officer reported the tile project will stay back fifty feet from the lot line and the adjoining landowner's signature was obtained. Earl stated the water from the outlet into the natural run from this application goes through his land. He asked if the water from this application would affect the natural run he and several landowners are working to clean out downstream from the applicant. Commissioner Tucholke questioned if the culverts were open and running at full capacity. Motion by Tucholke and seconded by Stengel to table permit DR 2014-20 until the August 19 meeting. Motion carried 5-0.

Permit DR 2014-21 for Bruce Granquist in the S1/2NE1/4&E1/2SE1/4 of 31-119-49 and in the S1/2S1/2NW1/4 and SW1/4 of 32-119-49 (Madison Township). The certified receipts for the

notification of the hearing have been received. The tile outlet goes into a natural run. Motion by Tucholke and seconded by Mann to approve DR 2014-21. Motion carried 5-0.

Permit DR 2014-22 for Gary Granquist in the N1/2 of 10-118-50 (Troy Township). Gary informed the board there are several outlets for this tiling project and all adjoining landowner signatures have been obtained. The outlets are into natural runs. Motion by Tucholke and seconded by Stengel to approve permit DR 2014-22. Motion carried 5-0.

Permit DR 2014-10 for Jason Liebe in the S1/2NE1/4 & N1/2SE1/4 Section 29, the NW1/4 exc Lot1 Luke & Wendy's Subdivision & Exc Lt1 Jerry & Kathy Boerger's Subdivision Section 28 and the Lot 1 Herbert Wendland Addition SW1/4 of 21-121-48(Melrose Township). Permission from the adjoining landowner and approval from the Melrose Township Board to cross the township road has been obtained. NRCS letter is on file. Motion by Stengel and seconded by Tucholke to approve DR 2014-10. Motion carried 5-0.

Drainage Officer Krista reported Jason Grabow has had tile collapse in Section 32 of Kilborn and will be repairing the tile.

This concluded the business for the drainage board. Chairman Dummann adjourned the Drainage Board and reconvened the Board of Commissioners.

**Highway:** Supt Schultz presented a right-of-way application from Norswiss Dairy for the placement of a culvert through the road for a manure hose. Motion by Tucholke and seconded by Stengel to approve ROW 2014-18, a right-of-way application for occupancy on 146<sup>th</sup> St (AKA Co Rd 6) between Section 10 and 15 in Blooming Valley Township. Motion carried 5-0. **CDL:** Kerwin reported a health card endorsement for a CDL license is required if transporting materials such as asphalt across state lines. He asked if the county would cover the cost of obtaining the health card for the present truck drivers and requested approval for the policy to state the health card endorsement is required for future hired truck drivers. Motion by Tucholke and Stengel to approve the request as presented by Supt Schultz. Motion carried 5-0. **Pre-employment physical:** A discussion was held on reviewing the functional job descriptions and pre-screen work measurements developed by the SDML Work Comp Fund for the county highway departments. The functional job descriptions was developed based on the demands and measurements of the different positions within the highway department. Supt Schultz will review this program offered and report back at a future meeting.

**Auditor:** Layher reported the software installation for financials, payroll and real estate has been completed and is requesting a procedural change for the purchasing of small items such as postage for the offices. Currently, a Treasurer's check is issued for the

purchase. The requested change is to issue a check from the auditor's office as the financial program expenses the check when written. Motion by Tucholke and seconded by Stengel to approve the issuance of a check in an amount up to \$250.00 from the Auditor's Office. Motion carried 5-0.

**Durango Bid:** At 9:00 AM bids were opened for the sale of the 2008 Dodge Durango SLT 4 X 4. One bid was received from Jamie Pekelder in the amount of \$3320.00. Motion by Stengel and seconded by Tucholke to accept the bid of \$3,320.00 from Jamie Pekelder. Motion carried 5-0.

**Health Nurse:** Joan Frerichs introduced Danielle Brady, the newly hired office assistant. Joan reported on changes being implemented by the WIC program for the food packages to include more fruits and vegetables and allowing 2% milk to be purchased for one year olds. The office is accepting appointments for Kindergarten shots and Tdap.

**Haul Road Policy:** Present were David Kruger and States Attorney Mark Reedstrom who stated he had reviewed the proposed resolution prepared by First District on haul roads agreements. He stated he did not have any issues with the proposed policy as a guide for the process. The policy states the Planning and Zoning Administrator will work with the applicant and the affected entity on a haul road agreement which will be presented during the hearing. If an agreement cannot be reached between the parties involved in the haul road agreement, the county commissioners will mediate the agreement. David Kruger asked who starts the process for determining if a haul road agreement is needed. The policy states it is the Zoning Administrator who begins the process by notifying the parties involved to work on an agreement. Motion by Forrette and seconded by Tucholke to adopt the resolution. Motion carried 5-0. Resolution adopted.

#### **RESOLUTION 2014-36**

#### **A RESOLUTION ADOPTING A POLICY/PROCESS FOR THE ADMINISTRATION OF HAUL ROAD AGREEMENTS WHEN REQUIRED AS A CONDITION TO THE ISSUANCE OF A CONDITIONAL USE PERMIT**

WHEREAS SDCL 11-2-17.3 allows counties to authorize conditional use of real property a part of a county zoning ordinance provided said ordinance specifies the approving authority and the criteria for evaluating each conditional use;

WHEREAS on April 20, 2004 the Grant County Board of Commissioners adopted Ordinance 2004-01, An Ordinance Establishing Zoning Regulations for Grant County;

WHEREAS Section 504 of The Zoning Ordinance for Grant County identifies the Board of Adjustment as the approving authority for all Conditional Use Permits in Grant County;

WHEREAS Section 504.8 of The Zoning Ordinance for Grant County authorizes the Board of Adjustment to prescribe appropriate conditions and safeguards for the granting of conditional use permits;

WHEREAS several listed conditional use permits require the designation of “haul roads” to accomplish the desired use of property;

WHEREAS the County seeks a uniform policy for administering haul road agreements when required as a condition of granting a conditional use permit;

WHEREAS this policy/process is to be used as a guide by Grant County Staff and the Board of Adjustment in mediating haul road agreement disputes;

NOW, THEREFORE, BE IT RESOLVED by Grant County that the County hereby adopts the following non-binding policy/process for the determination and administration of requirements for haul road agreements when required as a condition of granting certain conditional use permits.

- ❖ After the Zoning Administrator determines a proposed use is required to have a haul road agreement or believes a haul road agreement may be necessary, the entity that maintains the impacted road is notified and a recommendation regarding the application is requested.
- ❖ The permit applicant and the entity that maintains the impacted road is encouraged to submit a signed haul road agreement before the CUP hearing.
- ❖ The Zoning Administrator sets a date for a public hearing of the Board of Adjustment.
- ❖ Ten (10) days before the public hearing the zoning administrator publishes a notice of the public hearing in the official newspaper.
- ❖ Ten (10) days before the public hearing the Zoning Administrator requires applicant to either notify adjacent property owners by certified or registered mail.
- ❖ The public hearing is held.
  - If haul road agreement is a consideration, the entity maintaining the road will provide their recommendations.
- ❖ The Board of Adjustment will either approve or deny the request.
  - The Board of Adjustment will make written findings supporting its decision.
  - The Board of Adjustment may attach additional requirements to the Conditional Use Permit. (Including the requirement for a haul road agreement)
- ❖ If the application is approved with the condition that a Haul Road Agreement is required:
  - The approving road authority and applicant shall develop a haul road agreement within thirty (30) days of the decision of the Board of Adjustment.
- ❖ If there is an impasse between the applicant and the approving road authority,
  - The Zoning Administrator for the Board of Adjustment will meet with approving road authority and applicant to mediate unresolved differences.

- The Board of Adjustment may allow parties an additional fifteen (15) days to resolve differences.
- If differences remain unresolved, the Board of Adjustment will develop a haul road agreement within fifteen (15) days to be signed between the applicant and the County with or without the approving road authority approval.

❖ County Commission's role in enforcement of haul road agreement:

- The County will require the applicant to sign a letter of assurance noting that the failure of the applicant to abide by the terms of the haul road agreement between the applicant and the approving road authority and/or county may result in the revocation of the Conditional Use Permit.
- If the approving road authority submits a complaint stating the applicant is not abiding by the terms of the haul road agreement the County will:
  - Investigate the complaint
  - Mediate the dispute
  - Offer solutions
  - Provide opportunity for compliance
  - Failure to comply may result in hearing to reconsider the permit(s)

Adopted this 5<sup>th</sup> day of August, 2014.

Grant County  
Paul Dumann, Chairman

ATTEST:

Karen M. Layher  
County Auditor

**Sheriff:** Kevin Owen discussed additional funding for his 2015 budget for equipment purchases. The request will be reviewed during the budget hearing on September 2.

**EM:** Officer Sheryl Ward requested permission to re-apply for the Storm Ready Community designation. The commission had no objection. She reported on information she had received that Motorola will be cancelling the XTS and XTL series of digital radios with service for the radios ending December 31, 2019. The commission discussed funding and future replacement of the radios as needed or the possibility of grant funding.

**Unfinished Business:** None

**New Business:** None

**Correspondence:** 4-H Advisor Sara Koepke submitted a report stating there are over 550 static exhibits entered by the children enrolled in 4-H. No count yet on the number of livestock entries. There are 10 new families who joined this year. She is also involved in the OST program and is planning on doing an egg hatching program beginning in February.

**Consent Agenda:** Motion by Stengel and seconded by Mann to approve the consent agenda. Motion carried 5-0.

1. Approve grant award of \$5000 from the SD Dept of Health for enhanced mosquito data collection
2. Approve auto supplement of expense and revenue in the amount of \$2668.00 for police vests from the reallocation funds from the Homeland Security Grant
3. Approve step increase to 6 months at \$12.80 per hour for Dispatcher Kevin Speaker effective 7-21-2014
4. Approve step increase to 6 months at \$11.70 per hour for Library worker Shawna Przybycein effective 8-12-2014
5. Declare surplus a Data Products 650 LPM printer, fixed asset 143-6857, to be discarded as no longer used
6. Declare surplus a monitor from auditor's office outer office work station as monitor failed, to be discarded

**Claims:** Motion by Mann and seconded by Forrette to approve the claims as presented. Motion carried 5-0. ACRONIS SERVICES, maint renewal 109.82; ALCO, supplies 6.79; BERENS, paper products 168.65; ELAINE BLOCK, reimburse 4,250.00; BUREAU OF INFO& TELE, internet & email 346.00; CENTURION, maint 111.07; COLONIAL RESEARCH CHEMICAL, supplies 120.86; DEMCO, headphones & DVD albums 110.73; FISHER SAND & GRAVEL, riprap 361.66; BERNIECE FOLK, supplies 49.48; G&R CONTROLS, parts 119.90; GALL'S, supplies 27.94; GENEALOGICAL, books 62.90; GLOBAL, monitor & comp supplies 674.14; GRANT-ROBERTS RURAL WATER, water 31.85; GRANT/ROBERTS AMBULANCE, alloca 2,458.33; LARRY'S REFRIGERATION, prof serv 1,877.54; MID STATES AUDIO, parts 28.00; MIDCONTINENT COMMUNICATION, internet 73.90; MILBANK COMMUNICATIONS, maint 952.50; CITY OF MILBANK, water & sewer 578.24; NORTHWESTERN ENERGY, nat gas 37.34; OFFICE MAX, supplies 123.78; OFFICE PEEPS, supplies 83.95; PIES FIRE EQUIP, maint 285.00; POSITIVE PROMOTIONS, lib supplies 92.17; REED ELSEVIER, service 661.00; ROBERTS CO SHERIFF, prisoner care 520.00; SD ASSN CO COMMISSIONERS, Regis 990.00; SD DEPT OF PUBLIC SAFETY, teletype service 2,340.00; THE SHOP, prof serv 100.62; SPECTORSOFT CORP, maint renewal 162.00; STAR TRIBUNE, subsc 149.50; STATE CHEMICAL SOLUTIONS, spray 111.00; APEX CLEANERS, prof serv 35.00; THOMSON REUTERS, ref material 752.00; QUICK PRO LUBE, parts & repair 254.76; TYLER COMPUTER, supplies 65.25; WILBUR ELLIS AIR, 2 4-D & AMINE 10,177.50; YANKTON CO TREAS, prof serv 110.00. Total: \$29,571.17.

Payroll for the following departments and offices for the month of JULY 2014 are as follows: COMMISSIONERS 4726.95; AUDITOR 15,332.03; TREASURER 8524.77; STATES ATTORNEY 9938.91; CUSTODIANS 4761.55; DIR. OF EQUALIZATION 5941.73; REG. OF DEEDS 6018.48; VET. SERV. OFFICER 1092.00; SHERIFF 16,879.53; COMMUNICATION CTR 11,521.57; PUBLIC HEALTH NURSE 4442.10; ICAP 584.10; VISITING NEIGHBOR 3084.60; LIBRARY 11,106.37; 4-H 4342.20; WEED CONTROL 3780.40; PLAN & ZONING 1699.80; ROAD & BRIDGE 49,849.10; EMERGENCY MANAGEMENT 3027.50 TOTAL: \$166,653.69.

Payroll Claims: FIRST BANK & TRUST, Fed WH 15,775.17; FIRST BANK & TRUST, FICA & Med WH & Match 24,949.48; SDRS, retire 18,243.33; WELLMARK-BLUE CROSS OF SD, Employee and Commission health ins. 39,109.61; DEARBORN NATIONAL, life ins. 246.36; AMERICAN FAMILY LIFE, AFLAC ins. 1816.13; LEGAL SHIELD, deduction 197.20; OPTILEGRA, ins 303.08; SDSRF, deduction 90.00; OFFICE OF CHILD SUPPORT, deduction 566.00; ROGENBURG LAW, deduction 350.00. TOTAL: \$101,646.36.

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 be August 19 and Sept 2 and 16, 2014 at 8 AM. Motion by Forrette and seconded by Stengel to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Paul Dummann, Chairman, Grant County Comm.