

December 20, 2016

The Grant County Commission met at 8AM with Commissioners Dummann, Mach and Tucholke present. Commissioners Buttke and Stengel were absent. Vice-Chairman Mach called the meeting to order. Motion by Tucholke and seconded by Dummann to approve the minutes of the December 6, 2016 meeting. Motion carried 3-0. Minutes filed. Motion by Dummann and seconded by Tucholke to approve the agenda. Motion carried 3-0.

Member of the public present were Dave Meyer, Mark Maversbruger, Thomas Pillatzki, Erik Peterson, Bill Street, Bob Spartz, Jay Hesse, Melissa Schmit, Doug Oboaham, Miles Schmacher, Tyler Wilhelm, Jamie Gentile, Bobbi Bohlen, David Kruger, Shirley Wiese, Kenny Wiese, Todd Kays, Nancy Johnson, Dick Hansen Ginny Tostenson with the Valley Express News and Holli Seehafer with the Grant County Review.

The Auditor's account with the Treasurer for November was noted.

**AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER**

To the Honorable Board of County Commissioners,  
Grant County:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of the County of Grant as of the last day of November, 2016

Cash on Hand	\$3,898.25
Checks in Treasurer's possession	
less than 3 days	\$49,718.62
Cash Items	\$0.00
<b>TOTAL CASH ASSETS ON HAND</b>	<b>\$53,616.87</b>
RECONCILED CHECKING	
First Bank & Trust	\$17,717.19
Credit Card Transactions	\$15,662.67
First Bank & Trust (Svgs)	\$5,511,526.66
CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$364,965.27
<b>TOTAL CASH ASSETS</b>	<b>\$5,963,488.66</b>
<b>GENERAL LEDGER CASH BALANCES:</b>	
General	\$2,892,028.65
General restricted cash	\$838,924.00

Cash Accounts for Offices General Fund	\$1,605.00
Sp. Revenue	\$816,206.67
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$1,226.98
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$364,965.27
Trust & Agency	\$1,048,532.09
(schools 691,662.50, twps 36,919.23, city/towns 87,076.78)	
<b>TOTAL GENERAL LEDGER CASH</b>	<b>\$5,963,488.66</b>

Dated this 9th day of December, 2016  
Karen M. Layher  
County Auditor

The Sheriff's fees for the month of November were \$19,761.86 with \$5,706.50 receipted into the County's General Fund. The Register of Deeds fees for the month of November were \$8,894.75. The Clerk of Courts fees for the month of November were \$8,366.18.

**Highway:** Supt Schultz requested approval for two change orders for the sign replacement project PH 8026(29) PCN 02MX. The sign project is a state let contract funded by federal dollars. Motion by Dummann to approve Change Order 2 for a decrease of \$2,822 and to approve Change Order 3 for an increase of \$41,167.80 due to adjusted quantities of materials. Motion carried 3-0. Another change order was presented for project BRO 8026(24) PCN 00ZE for a bridge structure located 1 mile east of Hwy 15 at the Revillo intersection. The project is an 80/20 split and Change Order 1 is a decrease of \$1,203.50. Motion by Tucholke and seconded by Dummann to approve Change Order 1 for the bridge. Motion carried 3-0.

Supt Schultz reported he is preparing the paper work for a preliminary study for a bridge under the county's 5 year plan. The bridge structure is 26-230-116 which is located 3.4 miles north of State Hwy 20 on County Road 19. Motion by Dummann and seconded by Tucholke to approve applying for the preliminary study on the bridge structure as per resolution 2016-28. Motion carried 3-0. Also, Supt Schultz is requesting approval to submit a construction resolution under the 5 year plan for bridge 26-325-222 located .5 miles south of Revillo. This is a double box culvert. Motion by Tucholke and seconded by Dummann to approve the construction request for the bridge as per resolution 2016-29. Motion carried 3-0. Tiling Project: Landowner Dave Meyer and Tiling Contractor Eric Peterson were present to discuss the county's share for the road / ditch tile project on County Road 39 by

the Dave Meyer residence. The county placed a tile in the ditch and in the road. These two tiles connected to the main tile line permitted under the Dave Meyer DR 2016-02 permit to improve the county road condition at this location. Dave Meyer reported the project has improved the road bed and the water is moving. Contractor Eric Peterson reported he had to go through a hill and moved a lot of rocks to connect the county's tile to the main line tile on Dave's property and that is why the bill being presented is \$18,754.75. Motion by Tucholke and seconded by Dummann to approve payment of the tiling bill as presented. Motion carried 3-0.

**Wind Farm:** Jay Hesse and Melissa Schmit were present for questions on the proposed ROW crossings. Auditor Layher reviewed the proposed transmission line map and explained the request before the commission is for the crossing over the ROW with the wires to stay within the land easements obtained by Cattle Ridge Wind Farm. The proposal has the poles located outside of the ROW. There is a quarter mile of land in section two of Madison Township where an easement has not been obtained due to a lease agreement with another company. At this location, Cattle Ridge is proposing a larger pole structure be placed on the connecting land where they have easements and stretching the wire over the county ROW. This would allow them to complete their transmission line. A discussion was held with Next Era about their exclusive easement contract. The representatives from Next Era responded that a proposal had been drafted, for review by a vice president of their company, who in turn would send the proposal to Cattle Ridge on how to gain easement for the section of land in Madison Twp so their project could continue. Arlo Christians stated the gas line is in the ditch and care needs to be taken when digging. Cattle Ridge representative, Jay Hesse, stated their company had sought to work out agreements with landowners and Next Era. He asked the commission to consider their request as a workable solution had been presented for consideration. Commissioner Tucholke and Dummann both requested the two companies to get together and work out a solution for the quarter mile of land under contract with Next Era and to come back to a meeting in January. Motion by Tucholke and seconded by Dummann to approve the county ROW crossings for the Cattle Ridge Wind project except for the crossing labeled CAT 25 until the two companies work out a solution for crossing the portion of land in Section two of Madison Twp on 155<sup>th</sup> St. Motion carried 3-0.

**Economic Development:** Director Bobbi Bohlen reported on the requests for information she reviewed from the state on businesses looking for sites. In 2016 there were 9 requests she reviewed and sent a reply. She reported the hospitality survey that was completed indicated a need for additional lodging.

**CAFO:** A joint public hearing was held at 9 AM with the members of the P & Z Board. The purpose of the joint hearing was to hear testimony on proposed Ordinance 2016-01A. Todd Kays, Executive Director for First District opened the hearing with a brief overview of the process taken to arrive at today's hearing. Todd stated it was the intent of the commission and the P & Z Board to allow the smaller existing operators of a Class E to vest but the Class E would not be required to obtain a nutrient, manure management, fly and odor control plans, letters of assurance or haul road agreements. The proposed amendments will ultimately do the following:

- Require all CAFOs over 500 animal units established after June 9, 2016 to obtain a permit and comply with nutrient, manure management, fly and odor control, letters of assurance, and haul road agreements as well as State General Permit if over 1,000 animal units.
- Allow existing Class E CAFOs to replace and/or expand within their existing class unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.
- Existing Class E CAFOs are not required to obtain nutrient, manure management, fly and odor control, letters of assurance, and haul road agreements.
- Allow existing **vested** Class E CAFOs to expand up to 1,999 animal units unencumbered by Setback and minimum lot area requirements - They are required to obtain a conditional use permit at 1,000 animal units.
- Allow **vested** Class C CAFOs to expand up to 1,999 unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.
- Allow **vested** Class B CAFOs to expand up to 4,999 unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.
- Allow **vested** Class A CAFOs to expand by 10% of their County-Issued Permit unencumbered by Setback and minimum lot area requirements without vesting – They cannot further encroach upon the setback of existing operation.
- Minimum lot area requirements for a Class A, B or C CAFO established after June 9, 2016 shall be 80 acres
- The minimum lot area requirement for a Class A, B, C, D, or E CAFO not vested in accordance with section 1305 shall be (80) acres.
- The vested property right shall be considered abandoned and the vested property shall revert to a nonconforming land use status if the property not used as a CAFO for a period of two years.

Vice Chairman Mach opened the hearing to public comment. Questions and issues discussed were: Nonstandard Class E can replace or increase to 1000 animal units; vesting is a new concept with Grant County being the first to implement the process; the vesting concept is based on water vesting; vesting is not for new operators; a vested 600 animal unit operation going to 700 does not need a plan as

already vested; clarified animal units by species, new operators must meet the setbacks established under Ordinance 2016-01; vesting stays with the land; the proposed changes were established to protect the smaller producer; expressed appreciation for the work done to reach a compromise on the new ordinance. Motion by Dummann and seconded by Tucholke to close the public testimony of the joint hearing. The P & Z Board brought forth a motion to send proposed Ordinance 2016-01A to the Commission for their consideration. Vice-Chairman Mach called for a motion to hold the first reading. Motion by Tucholke and seconded by Dummann to hold the first reading of Ordinance 2016-01A by title only. Motion carried 3-0. Todd Kays read the titled ordinance.

**ORDINANCE #2016-01A**

**AN ORDINANCE AMENDING GRANT COUNTY ORDINANCE #2004-1, AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR GRANT COUNTY, SOUTH DAKOTA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 11-2, 1967 SDCL, AND AMENDMENTS THEREOF, AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH**

Motion by Tucholke and seconded by Dummann to set December 29<sup>th</sup> at 8:30 AM for the second reading of Ordinance 2016-01A. Motion carried 3-0.

**Sheriff:** Kevin Owen reported on the following statistics for the month of November for the Detention Center and Sheriff's Office as follows: Average Daily inmate population 7.60; Number of bookings 18; Work release money collected \$1,220.00; 24/7 Preliminary Breath Test (PBT) fees collected \$449.00; SCRAM (alcohol detecting bracelet) fees collected \$291.00; 24/7 PBT participants 4; SCRAM (Sobriety Program) participants 1; Calls for Service (does not include walk-in traffic) 539; Accidents investigated 8; Civil papers served 59; Cumulative miles traveled 6,148; 911 calls responded to 71.

**Animal Control Fund:** State Trapper Eric Kraetsch reported on the Animal Damage Control Fund. The county's 2016 assessment paid to the state was \$5,558.89. Eric reported 24 coyotes and 19 beaver were removed. Number of complaints were 14. Miles driven 2,845 and man hours invested were 264. Total animal damage control expenses were \$9,689.58.

**Northern Lights:** Blaine Gomer reported to the Commission that the ethanol plant currently gets their water from the Otter Tail Power Plant ponds. The current water source may not be an option in times of drought. Plans are currently being developed to pipe water to the plant from the two wells that have been drilled. The DENR permits for the wells are in place. The request presented today is to install the well transport pipe in the county's ROW along a portion of County Road 33 and 43. The commission asked Blake to discuss the pipe in the ROW with the Big

Stone Twp Supervisors as the majority of the pipe would be in their ROW. Also, the Commission encouraged the use of private ground through easements. The request will be discussed at the 29<sup>th</sup> meeting under unfinished business.

**Executive Session:** Motion by Dummann and seconded by Tucholke to enter into executive session at 10:34 AM for the purpose of a personnel issue pursuant to SDCL 1-25-2 (1). Motion carried 3-0. Auditor Layher was present. Vice-Chairman Mach declared the meeting open to the public at 10:55 AM. Auditor Layher and Supt Schultz were present. No action taken as a result of the executive session.

**County Assistance:** Motion by Tucholke and seconded by Dummann to deny case PR2-16-04. Motion carried 3-0.

**Website:** Auditor Layher presented the Website Access Agreement. The purpose of the website is to allow a user, such as appraisers, the convenience of researching property online. The annual fee for one to five users is \$250 per year with a setup fee of \$25. Motion by Tucholke and seconded by Dummann to approve the Website Access Agreement as presented. Motion carried 3-0.

**Consent Agenda:** Motion by Tucholke and seconded by Dummann to approve the consent agenda. Motion carried 3-0.

1. Approve Jim Carlson as a volunteer for the Library effective 12-5-16
2. Approve renewing contract with First District for the County GIS Website Hosting for a cost of \$2500
3. Approve renewing contract with First District for maintenance of the parcel layer database for a cost of \$6000
4. Approve surplus of items from the library: Hp Elite 8300 computer, Hp Scanjet Scanner, Gateway E 6500D computer, Barcode scanner, Motorola Barcode scanner, Microsoft Office Basic software, Dell Computer, (13) Falcon foam back chairs, Speaker bar, Vostro 1520 Laptop, Network in box switch, Hp Deskjet 832 printer, Hp Laser jet 4100N printer, Sharp EL 263OP calculator

**Claims:** Motion by Dummann and seconded by Tucholke to approve the claims as presented. Motion carried 3-0. A-OX WELDING SUPPLY, gas 133.70; ACTIVE DATA SYSTEMS, maint 900.00; AVERA MCKENNAN HOSPITAL, prisoner care 276.08; AVERA MCKENNAN HOSPITAL, lab 192.00; BERENS WAREHOUSE, supplies 351.56; BITUMINOUS PAVING, asphalt 202.50; BUTLER MACHINERY, parts 778.50; CENTER POINT, books 462.72;

CENTURYLINK, phone 587.29; CITY OF MILBANK, rubble site 5.00; CITY OF WATERTOWN, 911 contract 6,407.13; CIVIL DESIGN INC, storm shelter 835.00; CNH INDUSTRIAL CAPITAL, parts 141.57; COESTER SCHWANDT LAW OFFICE, prof services 100.00; COLEPAPERS, supplies 879.88; CRAIG DEBOER, car wash 145.02; D-WARE, maintenance 2,500.00; D.R. MYERS DISTRIBUTING CO, drivers lic id guide 29.95; DELORIS J RUFER, rent 100.00; DESIGN ELECTRONICS, supplies 11.99; FIRST DISTRICT, contract wesite 8,500.00; G & K SERVICES, supplies 25.26, GEORGE B BOOS, court apt atty 391.00; GRANT CO SHERIFF DEPT, postage 8.62; GRANT COUNTY REVIEW, publishing 33.90; GRAY CONSTRUCTION, shelter contract 25,632.00; HARTMAN'S, supplies 874.07; HEDAHL'S, parts 70.02; INGRAM LIBRARY SERV, books 928.92; ISTATE TRUCK CENTER, parts 388.58; TREVETT'S, prisoner meals 960.75; JOANN PAULSON, prof serv 1,970.00; KAREN SWANDA, prof serv 15.00; LABOLT DEVELOPMENT, rent & internet 70.00; LARRY J TRAPP, repair 148.92; LEWIS DRUG, prisoner care 17.93; THE LIBRARY STORE, supplies 17.43; LUCILLE M LEWNO, prod serv 148.96; MARK KATTERHAGEN, prof serv 15.00; MARK W ST MARTIN, sign 40.00; MICROFILM IMAGING SYSTEMS, rent 362.00; MICROMARKETING, supplies 14.99; NATL 4-H COUNCIL, supplies 28.35; NELSON LAW OFFICE, allocation 3,742.00; NORTHWESTERN ENERGY, nat gas 754.83; NOVAK SANITARY SERVICE, shredding 35.70; OFFICE PEEPS, supplies 218.63; OTTER TAIL POWER, electricity 2,841.13; PCMG INC, supplies 1,629.98; QUILL CORPORATION, supplies 633.47; RAMKOTA, room 479.95; RC TECHNOLOGIES, 911 line 95.96; REED ELSEVIER, law lib contract 695.00; ROCKMOUNT RESEARCH, supplies 222.69; ROGER A. BRIGGS, parts 32.76; RYAN MAGEDANZ, prof serv 393.04; SANFORD HEALTH PATHOLOGY, prof serv 1,335.00; SCANTRON CORPORATION, hardware maint 8,131.00; SD DEPT OF REVENUE, prof serv 70.00; SD DEPT TRANSPORTATION, supplies 21,679.31; SDAE 4-HP, membership 120.00; SECURE BY DESIGN, supplies 240.00; SEEHAFFER HARDWARE, supplies 402.25; ST WILLIAMS, laundry 252.90; STATE OF SD, prof serv 90.00; TECH ONE, supplies 174.00; TECHSMITH CORP, maint 42.40; TERENCE O'KEEFE, subscription 30.00; TWIN VALLEY TIRE, repair 9.00; TYLER TECHNOLOGIES, maint 17,029.81; VALLEY OFFICE, supplies 801.23; VALLEY SHOPPER, publishing 48.30; VERIZON WIRELESS, hotspot 38.52; WHETSONE HOME CENTER, lumber 81.00; WHETSTONE VALLEY ELECTRIC, electricity 523.58; WILES & RYLANCE ATTY, prof services 27.60; WITTROCK & SON, rubbish 150.00;

XEROX CAPITAL SERVICES, copier rent 616.20; YANKTON COUNTY SHERIFF, prof serv 50.00. TOTAL \$119,418.83

SDACO, ROD Modernization fee 304.00; SD ATTORNEY, SCRAM & Participation fee 416.00. TOTAL \$720.00

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 December 29, 2016 and January 3 and 17, 2017 at 8 AM. Motion by Dummann and seconded by Tucholke to adjourn the meeting. Motion carried 3-0. Meeting adjourned.

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Karen M. Layher, Grant County Auditor

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Mike Mach, Vice-Chairman, Grant County Comm.